

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-029

A proposed ordinance introduced by Mayor Pro Tem Rowell

**AN ORDINANCE TO ESTABLISH PROCEDURES TO PROVIDE
PREFERENCE TO CITY OF SOUTH FULTON BUSINESSES IN
COMPETITIVE SEALED BIDDING FOR CITY SERVICES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors; and

WHEREAS, the City finds it to be in the public interest and for the well-being of the City and its inhabitants to encourage the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 10 Procurement, Chapter 1, shall be as follows:

Title 10: **Procurement**

Chapter 1: ***Local Business Preference***

Sections:

10-1001 Purpose.

10-1002 Authority.

10-1003 Preference.

10-1004 Local business and locally owned business designation.

10-1005 Exclusions.

10-1006 Violations and sanctions.

10-1007 Appeals.

Section 10-1001 Purpose.

Local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors. The city encourages the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services.

Section 10-1002 Authority.

Once established, the purchasing director for the City shall be responsible for enforcement of this chapter.

Section 10-1003 Preference.

- (1) A three percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a local business.
- (2) An additional five percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services or professional services from a business designated as a locally owned business.
- (3) When a nonlocal business has submitted the lowest responsive responsible bid, and when one or more local businesses, as defined in Section 10-1004, have also bid, the local business' total bid amount will be reduced by the preference percentage of either three or five percent for bid comparison purposes. If the net amount is lower than the lowest bid, the contract will be awarded to the local business for the full amount of its bid. When a request for proposals is used, the preference will reduce only the price component of the evaluation criteria.

Section 10-1004 Local Business and Locally Owned Business Designation.

- (1) A business shall comply with all of the following to be designated a local business:
 - (a) The business shall have an office with at least one employee within the City of South Fulton;
 - (b) The business shall not be delinquent with any payments to the City; and

- (c) The business shall hold a valid City of South Fulton business license.
- (2) A business shall comply with the following to be designated as a locally owned business:
 - (a) The business shall meet the requirements for a local business designation; and
 - (b) At least fifty percent of the business' owners live in the City of South Fulton.

Section 10-1005 Exclusions.

- (1) The provisions of this chapter shall only apply to competitive sealed bidding and shall not apply to:
 - (a) Sole source purchases.
 - (b) Construction projects.
 - (c) Urgent purchases necessary to protect public health, welfare or safety.
 - (d) Purchases made under a cooperative agreement.
 - (e) Purchases made by credit card, petty cash, or on claims.
 - (f) Purchases funded by outside agencies that prohibit the use of preferences.
 - (g) Professional services requests for proposals where price is not considered in the selection of which service provider to engage in negotiations.

In addition, the city council shall have the authority to waive application of the local business preference at its discretion.

Section 10-1005 Violations and Sanctions.

- (1) Any business that submits false information or fails to disclose material information in order to qualify for the preference pursuant to this chapter shall:

- (a) Pay the city any difference between the contract amount and what the city's cost would have been if the contract had been properly awarded, and
- (b) Be prohibited from bidding on any city contract or receiving any city contract for a period of three years of the discovery of facts supporting the same.

Section 10-1006 Appeals.

Any business subject to a sanction may appeal it. Appeals shall be in writing and shall clearly state the basis for the appeal. Grounds not stated in the written appeal may not be considered.

Appeals shall be filed with the city clerk within seven calendar days of the date of the city's written notice of the intention to impose sanctions. The city council will review the appeal and its decision shall be final.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.

The foregoing Ordinance No. **2017-029** adopted on **November 14, 2017**, was offered by Mayor Pro Tem **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/> √	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √	<hr/>
Helen Zenobia Willis	<hr/> √	<hr/>
Gertrude Naeema Gilyard	<hr/> √	<hr/>
Rosie Jackson	<hr/> √	<hr/>
khalid kamau	<hr/> √	<hr/>
Mark Baker	<hr/> √	<hr/>

THIS ORDINANCE adopted this **14th** day of **November 2017**. CITY OF SOUTH
FULTON, GEORGIA.

“SECOND READING”



WILLIAM “BILL” EDWARDS, MAYOR

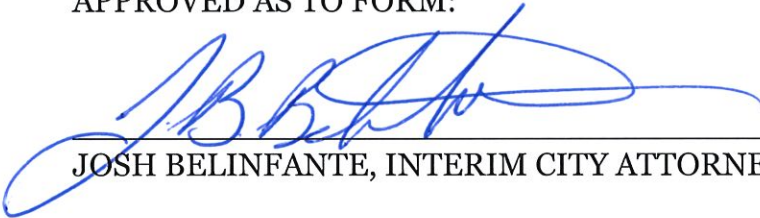
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY